

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

MICHAEL BEHAYLO,

Plaintiff,

vs.

THE TOP-FLITE GOLF COMPANY,

Defendant.

CIVIL ACTION NO. 05-30178-KPN

**AFFIDAVIT OF JAY M. PRESSER, ESQ.
IN SUPPORT OF DEFENDANT'S
MOTION FOR SUMMARY JUDGMENT**

I, Jay M. Presser, under the pains and penalties of perjury, do hereby state that I am labor and employment counsel for the Defendant, The Top-Flite Golf Company, and have represented them in the above-captioned matter.

1. Attached hereto as Exhibit 1 are true and accurate copies of excerpts from the May 1, 2006 deposition of Michael Behaylo.
2. Attached hereto as Exhibit 2 is a true and accurate copy of Exhibit 3 from the deposition of Michael Behaylo.
3. Attached hereto as Exhibit 3 is a true and accurate copy of Exhibit 10 from the deposition of Michael Behaylo.
4. Attached hereto as Exhibit 4 is a true and accurate copy of the Defendant's Answers to Plaintiff, Michael Behaylo's, First Set of Interrogatories.
5. Attached hereto as Exhibit 5 is a true and accurate copy of the Defendant's Answers to Plaintiff, Michael Behaylo's, Second Set of Interrogatories.
6. Attached hereto as Exhibit 6 is a true and accurate copy of the Defendant's Response to Plaintiff, Michael Behaylo's, Second Request for Production of Documents.
7. Attached hereto as Exhibit 7 is a true and accurate copy of the Defendant's Supplemental Response to Plaintiff, Michael Behaylo's, Second Request for Production of Documents.

8. Attached hereto as Exhibit 8 is a true and accurate copy of the Personnel Action Form for Sharon Lally, produced to Plaintiff in response to his Second Request for Production of Documents.
9. Attached hereto as Exhibit 9 are true and accurate copies of excerpts from the May 2, 2006 deposition of John Bettencourt.
10. Attached hereto as Exhibit 10 is a true and accurate copy of Exhibit 2 from the deposition of John Bettencourt.
11. Attached hereto as Exhibit 11 is a true and accurate copy of Exhibit 3 from the deposition of John Bettencourt.
12. Attached hereto as Exhibit 12 is a true and accurate copy of Exhibit 6 from deposition of John Bettencourt.
13. Attached hereto as Exhibit 13 is a true and accurate copy of Exhibit 12 from the deposition of John Bettencourt.
14. Attached hereto as Exhibit 14 is a true and accurate copy of Exhibit 14 from the deposition of John Bettencourt.
15. Attached hereto as Exhibit 15 is a true and accurate copy of the Defendant's Answers to Plaintiff, John Bettencourt's, First Set of Interrogatories.
16. Attached hereto as Exhibit 16 are true and accurate copies of excerpts from the May 4, 2006 deposition of Paul Duval.
17. Attached hereto as Exhibit 17 is a true and accurate copy of Exhibit 6 from the deposition of Paul Duval.
18. Attached hereto as Exhibit 18 is a true and accurate copy of Exhibit 9 from the deposition of Paul Duval.
19. Attached hereto as Exhibit 19 is a true and accurate copy of Exhibit 10 from the deposition of Paul Duval.
20. Attached hereto as Exhibit 20 is a true and accurate copy of Exhibit 11 from the deposition of Paul Duval.
21. Attached hereto as Exhibit 21 is a true and accurate copy of Exhibit 12 from the deposition of Paul Duval.
22. Attached hereto as Exhibit 22 is a true and accurate copy of Exhibit 15 from the deposition of Paul Duval.

23. Attached hereto as Exhibit 23 is a true and accurate copy of Defendant's Answers to Plaintiff, Paul Duval's, First Set of Interrogatories
24. Attached hereto as Exhibit 24 are true and accurate copies of excerpts from the May 12, 2006 deposition of Gary J. Lonczak.
25. Attached hereto as Exhibit 25 is a true and accurate copy of Exhibit 1 from the deposition of Gary J. Lonczak.
26. Attached hereto as Exhibit 26 is a true and accurate copy of Exhibit 8 from the deposition of Gary J. Lonczak.
27. Attached hereto as Exhibit 27 is a true and accurate copy of Defendant's Answers to Plaintiff, Gary J. Lonczak's, First Set of Interrogatories.
28. Attached hereto as Exhibit 28 are true and accurate copies of materials from the personnel file of Scott Sirois, produced in response to Michael Behaylo's Second Request for Production of Documents.
29. Attached hereto as Exhibit 29 are true and accurate copies of materials from the personnel file of Roseane Turner, produced in response to Michael Behaylo's Second Request for Production of Documents.
30. Attached hereto as Exhibit 30 are true and accurate copies of excerpts from the July 11, 2006 deposition of James Bosworth, Jr.
31. Attached hereto as Exhibit 31 are true and accurate copies of excerpts from the July 10, 2006 deposition of Christine Conti.
32. Attached hereto as Exhibit 32 are true and accurate copies of excerpts from the August 7, 2006 deposition of Thomas Fry.
33. Attached hereto as Exhibit 33 are true and accurate copies of excerpts from the July 28, 2006 deposition of Andrew Kelleher.
34. Attached hereto as Exhibit 34 are true and accurate copies of excerpts from the July 24, 2006 deposition of Richard Levandowski.
35. Attached hereto as Exhibit 35 are true and accurate copies of excerpts from the July 24, 2006 deposition of Cynthia Nunes.
36. Attached hereto as Exhibit 36 are true and accurate copies of excerpts from the July 10, 2006 deposition of Darlene Orciuch.

- 37. Attached hereto as Exhibit 37 are true and accurate copies of excerpts from the June 9, 2006 deposition of Robert Penicka.
- 38. Attached hereto as Exhibit 38 are true and accurate copies of excerpts from the August 7, 2006 deposition of Vaughn Rist.
- 39. Attached hereto as Exhibit 39 is a true and accurate copy of Exhibit 30 from the deposition of Vaughn Rist.

I have read the above and swear that it is true.



Jay M. Presser

On this 30th day of November, 2006, before me, the undersigned notary public, personally appeared Jay M. Presser, proved to me through satisfactory evidence of identification which is that he is this notary public's employer, to be the person whose name is signed on the preceding or attached document in my presence.



Notary Public: Ann-Marie Marcil
My Commission Expires: March 24, 2011

ANN-MARIE MARCIL
NOTARY PUBLIC
COMMONWEALTH OF MASSACHUSETTS
MY COMMISSION EXPIRES ON MARCH 24, 2011